

HUMAN RESOURCES POLICY
Fauquier County, Virginia

Policy Title: Compensatory Leave
Section No. : 2-E

Effective Date: ~~6/18/01~~11/17/03
Supersedes Policy: ~~6/18/01~~2/2/99

I. PURPOSE

It is the objective of the Board of Supervisors to provide eligible employees with paid leave as compensation for additional hours worked.

II. SCOPE

This policy applies to all full-time, part-time and temporary employees.

III. DEFINITIONS

A. Exempt Employee

An exempt employee is defined as an employee who is not subject to the overtime provisions of the Fair Labor Standards Act.

B. Non-exempt Employee

A non-exempt employee is defined as an employee who is subject to the overtime provisions of the Fair Labor Standards Act.

C. Standard Workweek

A standard workweek is defined as the regular workweek for full-time positions, which consists of a five-day, ~~30~~, 37.5, 40 or 42 hour per week schedule for every seven calendar day period.

IV. PROCEDURES

A. Compensatory Leave In Lieu of Overtime Payments

1. As a condition of employment, non-exempt employees, with the exception of law enforcement/public safety personnel, shall receive compensatory leave in lieu of cash overtime payments.
2. All non-exempt law enforcement/public safety personnel shall receive overtime payments rather than compensatory time.

B. Eligibility To Receive Compensatory Leave

1. To earn compensatory leave, a non-exempt employee must be required/ approved by his/her Department Head/Constitutional Officer to work:
 - a. additional hours in a workweek;
 - b. on an official office closing day;
 - c. on a scheduled day off.
2. If not required by a Department Head/Constitutional Officer, earning of compensatory leave must be approved in advance.
3. Exempt employees will earn compensatory leave only when required to work on an official office closing day or holiday.
4. Exempt employees who consistently work in excess of a standard workweek may use their discretion in taking time off during the work day for personal affairs with the approval of their Department Head/ Constitutional Officer or supervisor. Exempt employees are not, however, entitled to such time off on an hour-for-hour basis.

C. Use Of Compensatory Leave

1. Accrued compensatory leave may be used by employees to provide paid time off from work for any purpose.
2. Use of such leave must be requested and approved in advance.

D. Accrual Rate Of Compensatory Leave

1. Non-exempt employees shall earn compensatory leave on an hour-for-hour basis for each additional hour worked up to forty (40) hours in a standard workweek.
2. Non-exempt employees shall earn compensatory leave at a rate of one and one-half hours for each hour worked in excess of forty (40) hours in a standard workweek.

E. Accumulation Of Compensatory Leave

1. When an employee accumulates one hundred and twenty (120) hours or more of compensatory leave (two hundred and forty (240) hours for law enforcement/public safety personnel), the Department Head/Constitutional Officer and employee shall develop a plan to reduce/eliminate the accrued compensatory leave.

2. The County Administrator shall be notified of such plan.
3. Employees may not accrue more than two hundred and forty (240) hours of compensatory time during a calendar year (four hundred and eighty (480) for law enforcement/public safety personnel).

F. Treatment Of Compensatory Leave Upon Change In Status

1. Change From Non-exempt Status To Exempt Status
 - a. Upon change from non-exempt to exempt status, employees shall be paid a lump sum for the unused portion of their accrued compensatory leave.
 - b. The lump sum payment shall be calculated based on the non-exempt salary rate.
 - c. Upon change from non-exempt to exempt status and transfer to a new department, employees shall be paid the lump sum for the unused portion of their accrued compensatory leave by their previous department.
2. Separation

Upon separation, employees shall be paid a lump sum for the unused portion of their accrued compensatory leave balances.